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EXAMINER

ISMAIL, SHAWKI SAIF

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,477

Applicant(s)

MACLEAN, JOHN M.

Examiner

Shawki S Ismail

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

1. Claims 1-32 remain for further examination. Applicant's arguments with respect to claims 1-32 filed on December 2, 2004 have been fully considered.

The old rejection maintained

2. The rejection is respectfully maintained as set forth in the last Office Action mailed July 6, 2004. Applicant's arguments with respect to claims 1-32 have been fully considered but they are not persuasive; therefore, the old rejection is maintained.

Claim Rejections - 35 USC §102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1-5, 10-32 are rejected under 35 U.S.C. 102(e) as being anticipated by **Wang et al. (Wang)**, U.S. Patent No. **6,662,226**.

5. As to claim 1, Wang teaches a transaction management system comprising:

a server that hosts a transaction, (col. 4, lines 21-26, Transaction Recording System (TRS) Server);

a network (col. 4, lines 11-20);

a client connected in a communicating relationship with the server over the network, and the client participating in the transaction hosted by the server (col. 4, lines 11-20, a client interacts with a terminal device via an associated user interface); and

a filter operating between the server and the client to capture data associated with the transaction (see Fig. 2, col. 5, lines 21-36, a separate accessible server device contains storage in which part of the storage is allocated to retain captured information from the client device. The server device inherently contains a filter to capture information from the client device.)

6. As to claim 2, Wang teaches the transaction management system of claim 1 wherein the filter operates on the server that hosts the transaction (col. 4, lines 21-27, the capturing device is resident on the TRS.)

7. As to claim 3, Wang teaches the transaction management system of claim 1 further comprising a second server connected in a communicating relationship with the server that hosts the transaction and connected in a communicating relationship with the client, wherein the filter operates on the second server (col. 4, lines 21-27).

8. As to claim 4, Wang teaches the transaction management system of claim 1 further comprising a document repository that stores data captured by the filter (storage space 246, col.5, lines 25-36, storage space 256 is allocated to retain captured information.)

9. As to claim 5, Wang teaches the transaction management system of claim 4 wherein the data is indexed according to at least one of a transaction type, a transaction

party, a transaction time, or a transaction identifier (col. 2, lines 10-15, the captured information is indexed, processed and stored for future access.)

10. As to claim 10, Wang teaches the transaction management system of claim 1 wherein the filter is configured to begin capture upon occurrence of one or more predetermined events (col. 6, lines 41-47, the capturing process is triggered when a user logs on a particular screen.)

11. As to claim 11, Wang teaches the transaction management system of claim 1 wherein the filter is configured to stop capture upon occurrence of one or more predetermined events (col. 8, lines 57-61, when there are no more new screens displayed the capture process is triggered to end.)

12. As to claim 12, Wang teaches the transaction management system of claim 1 further comprising a configuration interface with which a user selects data to be captured during the transaction (col. 4, lines 45-54, a user initiates the capture process through a user interface which captures a series of displays on a screen through a pre-defined user interface interaction.)

13. As to claim 13, Wang teaches the method for managing transactions conducted over a network comprising:

detecting a first event (col. 8, lines 32-38, when the initial display triggers the TRS process, screen capturing device is activated);

in response to the first event, initiating a capture of data communicated between a client and a server (col. 8, lines 32-38, the screen capturing device is activated which captures a series of displays on a screen);

detecting a second event (col. 8, lines 57-61, when there is no new screen displayed the second event is triggered);

in response to detection of the second event, stopping the capture of data communicated between the client and the server (col. 8, lines 57-61, when there are no more new screens being displayed the capture process is triggered to end); and

storing the captured data (col. 8, lines 55-57, whenever a display is captured it is transported to the storage device.)

14. As to claim 14, Wang teaches the method of claim 13 wherein storing the captured data is performed after detecting the second event (col. 8, line 62 – col. 9, line 3, the captured displays are transported to the server where they are stored in a storage device.)

15. As to claim 15, Wang teaches the method of claim 13 further comprising retrieving the captured data and displaying the captured data in the form that the data was displayed by the client when the data was captured (col. 9, lines 43-47, the archived data is retrieved and played back and displayed on a screen for review.)

16. As to claim 16, Wang teaches the method of claim 13 wherein the captured data includes a hypertext transfer protocol session (col. 6, lines 41-47, the capturing device captures web pages and URI's.)

17. As to claim 17, Wang teaches the method of claim 16 further comprising:

capturing a form from the server (col. 4, lines 45-50, since the capturing device is capturing a series of displays, one of the display might be a form);

capturing data relating to the form from the client (col.4, lines 54-61, the capturing device also captures data related to the captured content by capturing validation information on the form); and

storing the data relating to the form from the client in the form as one or more default values of the form (col.4, line 54-61, after the capturing of a series of displays the content is then transferred to a storage device.)

18. As to claim 18, Wang teaches the method of claim 13 further comprising in response to the first event, initiating a capture of data communicated between the client and a third-party provider of content (col. 5, lines 62-65.)

19. As to claim 19, Wang teaches the method of claim 17 wherein the content includes at least one of banner advertisements or price quotations (col. 4, lines 45-50, since the capturing device is capturing a series of displays, one of the display might be an advertisement or a price quotation.)

20. As to claim 20, Wang teaches the method of claim 13 wherein the first event includes navigation by the client to one or more predetermined addresses (col. 6, lines 36-40, the TRS archiving is triggered through a predefined web address.)

21. As to claim 21, Wang teaches the method of claim 13 wherein the second event includes navigation by the client to one or more predetermined addresses (col. 8, lines 57-61, when there are no more new web pages being displayed the capture process is triggered to end.)

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22. As to claim 22, Wang teaches the method of claim 13 further comprising configuring the first event and the second event to correspond to one or more predetermined universal resource locators (col. 6, lines 41-47.)

23. As to claim 23, Wang teaches the method of claim 13 further comprising configuring one or more attributes by which the data is indexed (col. 7, lines 46-55, adding a time stamp to indicate when the content was captured.)

24. As to claim 24, Wang teaches the method of claim 13 further comprising configuring the capture of data to include a portion of the data communicated between the client and the server, the portion being less than all of the data communicated between the client and the server (col. 4, lines 45-61, the capturing device captures screen displays and user inputs.)

25. As to claim 25, Wang teaches the method of claim 13 wherein the data communicated between the client and the server includes data relating to an electronic commerce transaction between the client and the server (col. 3, lines 10-15.)

26. As to claim 26, Wang teaches a system for managing transactions conducted over a network comprising:

first detecting means for detecting a first event (col. 8, lines 32-38, when the initial display triggers the TRS process, screen capturing device is activated);

capturing means for capturing data communicated between a client and a server in response to a detection of the first event by the first detecting means (col. 8, lines 32-38, the screen capturing device is activated which captures a series of displays on a screen);

second detecting means for detecting a second event, the capturing means stopping the capture of data in response to a detection by the second detecting means of the second event (col. 8, lines 57-61, when there is no new screen displayed the capturing event is triggered); and

storing means for storing the captured data (col. 8, lines 55-57, whenever a display is captured it is transported to the storage device.)

27. As to claim 27, Wang teaches a method of doing business comprising providing a filter for capturing an electronic commerce transaction between a server and a client (col. 3, lines 10-15), the server hosting the electronic commerce transaction (col. 4, lines 21-27, the capturing device is resident on the TRS.), and the filter capturing the electronic commerce transaction in a form that permits review of the transaction as displayed to the client during the transaction (col. 9, lines 43-47, the archived data is retrieved and played back and displayed on a screen for review), the filter being configurable to control a first event that begins the capture of the transaction (col. 8, lines 32-38, when the initial display triggers the TRS process, screen capturing device is activated), a second event that ends the capture of the transaction (col. 8, lines 57-61, when there is no new display the second event is triggered), and one or more types of data to be included in the capture of the transaction (col. 4, lines 45-61, the capturing device captures screen displays and user inputs.)

28. As to claim 28, Wang teaches the method of doing business of claim 27 further comprising storing the electronic commerce transaction in a document repository (storage space 246, col.5, lines 25-36, storage space 256 is allocated to retain captured

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information) and providing a viewer for reviewing the transaction stored in the document repository (col. 9, lines 43-47, the archived data is retrieved and played back and displayed on a screen for review.)

29. As to claim 29, Wang teaches the method of doing business of claim 27 wherein the filter resides on a client system and the filter operates as a proxy to the server that hosts the electronic commerce transaction (col. 4, lines 21-27, the capturing device is resident on the TRS.)

30. As to claim 30, Wang teaches the method of doing business of claim 27 wherein the filter resides on a second server, the second server operating as a proxy to the server that hosts the electronic commerce transaction and the client (col. 4, lines 21-27).

31. As to claim 31, Wang teaches the method of doing business of claim 28 wherein access to the document repository is provided as a service to at least one of the client or the server (col. 9, lines 34-47, the host might want to see how the user used their website therefore they can conveniently go the data storage to view what the user did.)

32. As to claim 32, Wang teaches the method of doing business of claim 27 further comprising using the captured electronic commerce transaction to verify the transaction after the transaction has been completed (col. 9, lines 43-47, the archived data is retrieved and played back and displayed on a screen for review.)

Claim Rejections - 35 USC §103

33. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

34. Claim 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wang et al. (Wang)**, U.S Patent No. **6,662,226** and further in view of **Clarin et al (Clarin)**, U.S. Patent No. **6,414,725**.

35. As to claim 6, Wang teaches the transaction management system of claim 1 further comprising a document repository that stores data captured by the filter (col. 8, lines 55-57, whenever content is captured by the capture device, it is transported to the storage device.)

Wang does not explicitly teach the storage of data having a plurality of formats.

However, Clarin teaches the storage of data having a plurality of formats (col. 2, line 61 – col. 3, line, 4, storing incoming television signals consisting of video and associated audio in multiple different formats simultaneously).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Wang and Clarin to store data having a plurality of formats in order to permit economical and faster accessibility of the data.

36. Claims 7-9 essentially contain the same limitation of storing the data with a plurality of formats as in claim 7; therefore, they are rejected under the same reasons as applied above.

37. As to claim 7, Wang teaches the transaction management system of claim 6 further comprising a viewer for viewing the data stored in the document repository (col.

9, lines 43-47, the archived data is retrieved and played back and displayed on a screen for review.)

38. As to claim 8, Wang teaches the transaction management system of claim 6 wherein the data includes a record of a transaction between the server and the client, as displayed to a user at the client during the transaction (col. 4, lines 45-61, the capturing device captures screen displays and user inputs.)

39. As to claim 9, Wang teaches the transaction management system of claim 6 wherein the data includes at least one of facsimile data, print stream data, application document data, hypertext transfer protocol data, graphics data, and audio data (col.6, lines 41-47.)

Response to Arguments

40. Applicant's arguments with respect to claims 1-32 filed December 2, 2004 have been fully considered but they are not deemed to be persuasive.

41. In the remarks, the applicant argues in substance that:

(A) Argument: The Wang reference does not disclose a filter operating between the server and the client to capture data associated with the transaction.

Response: Wang teaches method and a system for capturing, processing and replaying a series of screen displays associated with one or more transactions. Wang teaches a transaction recording system (TRS) resident on the user device that activates a screen capturing application or module when a predetermined event is triggered (Fig. 6A, col. 4, lines 45-50, col. 8, lines 23-38). Wang further teaches that a separate accessible server device contains storage in which part of the storage is allocated to

retain captured information from the client device. The server device inherently contains a filter to capture information from the client device (see Fig. 2, col. 5, lines 21-36)

(B) Argument: The Wang reference is not capable of capturing entire portions of dynamic content that may be passed between a client and a server.

Response: In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., capturing portions of dynamic content) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

42. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Contact Information

43. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail
Patent Examiner
April 7, 2005



**BHARAT BAROT
PRIMARY EXAMINER**